

Message Text

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ACTION SCCT-01

INFO OCT-01 EUR-08 EA-06 ISO-00 IO-04 CIAE-00 DODE-00

PM-03 H-01 INR-05 L-01 NSAE-00 NSC-05 PA-01 RSC-01

PRS-01 SP-02 SS-15 USIA-06 AID-05 SY-04 USSS-00 CPR-01

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R 240834Z OCT 74

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 5489

INFO AMEMBASSY BONN

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY PARIS

USMISSION NATO

USMISSION BERLIN

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EO 11652: NA

TAGS: PINS

SUBJ: CONVENTION ON PROTECTION OF DIPLOMATS: THE HAGUE INCIDENT

REF: A. STATE 211125 B. TOKYO 12982

SUMMARY: FROM GOJ STANDPOINT, THERE ARE NO MAJOR OBSTACLES TO
EVENTUAL ADOPTION OF SUBJECT CONVENTION. HOWEVER, THERE WILL BE
SOME DELAY BECAUSE THE LEGISLATIVE DOCKET IS FULL, AND GOJ WILL
HAVE TO PREPARE IMPLEMENTING LEGISLATION, FOR EXAMPLE TO
ESTABLISH "UNIVERSAL" JURISDICTION. END SUMMARY.

1. EMBOFFS MET WITH FONOFF LEGAL DIV HEAD KAWAGUCHI RE
PARA 3 REF A. KAWAGUCHI SAID THAT JAPAN HAS SUPPORTED THE
CONVENTION IN UNGA, AND WILL CONTINUE TO DO SO AND EVENTUALLY
SIGN AND RATIFY IT. HE SAID, HOWEVER, THAT THIS MAY TAKE
TIME BECAUSE THE CONVENTION IS NOT CONSIDERED A HIGH
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IPRIORITY ITEM IN JAPAN, AS WAS, FOR EXAMPLE, THE CONVENTION

TO PREVENT CRIMES ABOARD AIRCRAFT. THE LEGISLATIVE DOCKET IS FULL OF IMPORTANT ITEMS SUCH AS NPT, WHICH WILL TAKE PRECEDENCE.

2. GOJ WILL ALSO HAVE TO PREPARE LEGISLATION TO IMPLEMENT PORTIONS OF THE CONVENTION NOT COVERED UNDER EXISTING LAW. FOR EXAMPLE, THERE IS NEED TO ESTABLISH "UNIVERSAL" JURISDICTION WITH REGARD TO CRIMES AGAINST DIPLOMATS (ARTICLES 2 AND 3), ALTHOUGH JAPAN ALREADY HAS LAWS FOR SUCH JURISDICTION COVERING CRIMES ABOARD AIRCRAFT. LEGISLATION WILL ALSO BE NEEDED TO IMPLEMENT ARTICLES 6 AND 7 ON PROSECUTION OR EXTRADITION IN CASES OF CRIMES AGAINST DIPLOMATS "REGARDLESS OF MOTIVE." KAWAGUCHI THINKS IT WOULD BE DIFFICULT TO OBTAIN SUCH LEGISLATION SINCE JAPAN DOES NOT PRESENTLY REGARD "POLITICAL" CRIMES AS GROUNDS FOR EXTRADITION.

3. ON GENERAL SUBJECT OF EXTRADITION, KAWAGUCHI CONFIRMED REF B TO EFFECT THAT GOJ HAS EXTRADITION TREATY ONLY WITH UNITED STATES. HE SAID, HOWEVER, THAT EVEN IN ABSENCE OF EXTRADITION TREATY, JAPAN IS ABLE TO ACCOMPLISH EXTRADITION ON BASIS OF RECIPROCITY. HE SAID THAT THERE HAVE BEEN ONLY ABOUT FIVE SUCH CASES IN POSTWAR PERIOD. HOWEVER, PERSONS HAVE BEEN "EXTRADITED" THROUGH INFORMAL MEANS, SUCH AS ISSUANCE OF TEMPORARY ONE-WAY TRAVEL DOCUMENTS TO DEPORTEES IN LIEU OF PASSPORTS, AS DESCRIBED REF B.
HODGSON

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Message Attributes

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